

EXHIBIT R

<p style="text-align: right;">Page 1</p> <p>IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN AND FOR SARASOTA COUNTY, FLORIDA</p> <p>IN RE: CONSOLIDATED BIOMET) Consolidated Under M2A HIP REPLACEMENT CASES:) Case No: -----) 2014-CA-001932 NC</p> <p style="text-align: center;">***** CONFIDENTIAL *****</p> <p>The confidential videotaped and videoconference deposition of ELINE HARTING, at the offices of Biomet Global Supply Chain Center B.V., Toermalijnring 600, 3301 CA Dordrecht, called for examination, taken before JULIANA F. ZAJICEK, a Registered Professional Reporter and a Certified Shorthand Reporter, at the offices of LaDue Curran & Kuehn LLC, Suite 200, 100 East Wayne Street, South Bend, Indiana, on March 1, 2018, at 1:05 p.m. (GMT).</p>	<p style="text-align: right;">Page 2</p> <p>1 PRESENT IN SOUTH BEND, INDIANA: 2 ON BEHALF OF THE PLAINTIFFS: 3 NASH & FRANCISKATO 4 Two Pershing Square 2300 Main Street, Suite 170 Kansas City, Missouri 64108 816-221-6600 5 BY: RANDY W. JAMES, ESQ. 6 rjames@nashfranciskato.com 7 MAGLIO CHRISTOPHER & TOALE 1605 Main Street, Suite 710 8 Sarasota, Florida 34236 888-952-5242 9 BY: ILYAS SAYEG, ESQ. isayeg@mctlawyers.com 10 11 ON BEHALF OF THE DEFENDANTS: 12 LADUE CURRAN & KUEHN LLC 100 E. Wayne Street 13 Suite 300 South Bend, Indiana 46601 14 574-968-0760 BY: JOHN A. CONWAY, ESQ. 15 jconway@lck-law.com 16 17 18 THE VIDEOGRAPHER: 19 MR. DAVID DOMINIAK (South Bend, Indiana); MS. Katja Kuper (Dordrecht, The Netherlands), 20 Golkow Litigation Services. 21 22 23 24 REPORTED BY: JULIANA F. ZAJICEK, C.S.R. NO. 84-2604.</p>
<p style="text-align: right;">Page 3</p> <p>1 I N D E X 2 WITNESS: PAGE: 3 ELINE HARTING 4 EXAM BY MR. JAMES..... 10 5 6 ***** 7 PREVIOUSLY MARKED EXHIBITS 8 EXHIBIT PAGE 9 No. 2 LinkedIn Profile Eline Harting 11 10 No. 4 E-mail 8/10/06 w/attachments; 194 11 BMT-FL-01147112 - 163 12 No. 8 E-mail chain 5/21/08, P001/P002 38 13 Corporate Management Review, 14 w/attachments; BMT-MM04539081 - 15 112 16 No. 9 E-mail chain 8/27/08 166 17 w/attachments, MDR's for European 18 products/BE Management Review; 19 BMT-MM01911368 - 424 20 No. 10 Urgent Field Safety Notice 4/12/16 17 21 No. 10A Danish version of the Urgent Field 28 22 Safety Notice 4/12/16 23 No. 10B Italian version of the Urgent 28 24 Field Safety Notice 4/12/16</p>	<p style="text-align: right;">Page 4</p> <p>1 PREVIOUSLY MARKED EXHIBITS (Continued) 2 EXHIBIT PAGE 3 No. 10C Dutch version of the Urgent Field 28 4 Safety Notice 4/12/16 5 No. 10D German version of the Urgent Field 28 6 Safety Notice 4/12/16 7 No. 11 E-mail 10/16/08, Update BE 41 8 procedures for customer complaints 9 handling/FSCA, w/attachments; 10 BMT-MM02996633 - 681 11 No. 12 HPRA Safety Notice: SN2016(14), 76 12 M2a-38mm Acetabular System, 6/3/16 13 No. 13 Document on the letterhead of the 73 14 Australian Government, Department 15 of Health, Therapeutic Goods 16 Administration, Biomet M2a 17 metal-on-metal total hip 18 replacement implants, Hazard 19 alert - higher than expected 20 revision rate, 2/9/15 21 No. 17 MDR Complaint #012674; 185 22 BMT-FL-00039966 - 057 23 24</p>

<p style="text-align: right;">Page 9</p> <p>1 THE VIDEOGRAPHER: We are now on the record. My 2 name is Katja Kuper. I am the videographer for Golkow 3 Litigation Services. Today's date is March 1st, 2018, 4 and the time is 1:05, as indicated on the video 5 screen. 6 This video deposition is being held in 7 Dordrecht, The Netherlands, in the matter of 8 Consolidated Biomet M2a Hip Replacement Cases for the 9 Circuit Court of the Twelfth Judicial Circuit in and 10 for Sarasota County, Florida. The deponent today is 11 Eline Harting. 12 Will the attorneys please identify 13 themselves for the video record. 14 MR. JAMES: Yes. Randy James and Ilyas Sayeg 15 for the Plaintiffs. 16 MR. CONWAY: And this is John Conway for 17 Defendants. 18 THE VIDEOGRAPHER: Thank you. 19 The court reporter today is Juliana 20 Zajicek, with Golkow Litigation Services. 21 Will you now please swear in the witness. 22 (WHEREUPON, the witness was duly 23 sworn.) 24 ELINE HARTING,</p>	<p style="text-align: right;">Page 10</p> <p>1 called as a witness herein, having been first duly 2 sworn, was examined and testified as follows: 3 EXAMINATION 4 BY MR. JAMES: 5 Q. Good afternoon, Ms. Harting. My name is 6 Randy James. I represent the Plaintiffs in this 7 action. 8 Would you tell us your full name, please? 9 A. My full official name is Neeltje Johanna 10 Harting. My -- people call me Eline. 11 Q. All right, ma'am. Thank you. 12 Where do you live? 13 A. I live in Breda, Netherlands. 14 Q. All right. We are conducting this 15 deposition over a video transmission. I am in South 16 Bend, Indiana and you are in Dordrecht, the 17 Netherlands, is that correct? 18 A. Yes, that's correct. 19 Q. All right. So far it appears that we've 20 got a very good connection with minimal delay. I 21 always say this as a precursor to a deposition, but I 22 think it's im -- particularly importantly true today 23 that -- that we need to wait until each other is 24 finished before we speak so that we don't talk over</p>
<p style="text-align: right;">Page 11</p> <p>1 each other, okay? 2 A. Okay. 3 Q. That not only would account for any delay 4 that we have in our video transmission, but it also 5 allows our court reporter to record what each of us is 6 saying clearly. Agree? 7 A. Agree. 8 Q. All right. Thank you. 9 Ms. Harting, you are currently employed by 10 a company by the name of Zimmer Biomet, is that 11 correct? 12 A. That is correct. 13 Q. And before that you were employed by a 14 company by the name of Biomet, right? 15 A. Correct. 16 Q. What is your current job title with Zimmer 17 Biomet? 18 A. European Legal Claims Manager. 19 MR. JAMES: Ms. Videographer, would you be kind 20 enough to hand Ms. Harting what we've marked as 21 Exhibit 2. 22 BY MR. JAMES: 23 Q. Ms. Harting, we've placed before you what 24 I've marked as Exhibit 2, for identification. This is</p>	<p style="text-align: right;">Page 12</p> <p>1 a printout from the internet your -- on your LinkedIn 2 profile page. It appears that most of it printed out 3 except for your title with Zimmer Biomet, but with the 4 exception of that, would you look at Exhibit 2 and 5 tell me if that accurately describes your current 6 position as well as your prior positions with Biomet? 7 A. No, it is not. 8 Q. All right. Well, can you acknowledge that 9 this is a printout of your LinkedIn profile page? 10 A. Yes, it is. 11 Q. Okay. Well, rather than going through 12 what isn't right at the moment, let me just ask you 13 some questions about it to see what is correct here. 14 For example, at the beginning -- even 15 though it does not give your job title, for some 16 reason it didn't print out, it shows up on the 17 internet as European Legal Claims Manager, is it true 18 that your job duties include: 19 "Coordination and management of product 20 liability claims, advise senior and country management 21 and manufacturers on product liability and safety 22 issues, participation in the risk assessment process 23 for field actions and subsequent review of recall 24 documentation, including health hazard documentation,</p>

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1 Field Safety Notice, 'Dear Surgeon' letter, and
 2 communication to involved competent authorities"?
 3 A. That's still correct.
 4 Q. That is correct?
 5 A. That is correct.
 6 Q. All right. And then you go on to say:
 7 "Advice on patient-related matters, such
 8 as patient complaints and results for product
 9 information, review of product documentation, such as
 10 surgical techniques and IFUs."
 11 IFU meaning Instructions for Use?
 12 A. Instructions for Use.
 13 Q. All right.
 14 MR. CONWAY: I don't know. Did she answer that?
 15 MR. JAMES: Yes.
 16 BY MR. JAMES:
 17 Q. Instructions for Use, is that correct?
 18 A. Correct.
 19 Q. All right. Now, if we look at Page 2
 20 under Biomet from June of 2007 to December of 2010, it
 21 says that you were the European Regulatory Compliance
 22 Manager and Claims Manager, correct?
 23 A. Correct.
 24 Q. All right. And would you just read the

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1 duties that are set forth under that job title and
 2 sell -- tell me if those are accurate?
 3 A. "Direct reporting line to European QA/RC
 4 Director/dotted reporting line to EMEA Legal Counsel.
 5 Development and maintenance of the EMEA procedure for
 6 Customer Complaints and Recalls; management of recalls
 7 at EMEA level from a logistic point of view; advise
 8 manufacturers on drafting recall documentation
 9 including Field Safety Notices and "Dear Surgeon"
 10 Letters and communication to Competent Authorities;
 11 handling and processing of customer complaints; ad hoc
 12 QA/RA tasks; coordination and management of product
 13 liability claims; advise European and local management
 14 on (potential) product liability matters;
 15 implementation and maintenance of the captive
 16 product/general liability insurance (including
 17 clinical trials) programs at EMEA level; preparation
 18 quarterly financial reporting for the captive;
 19 handling patient communication."
 20 That's correct.
 21 Q. All right. So, would it be accurate to
 22 say, then, that since June of 2007, you have been
 23 involved in customer complaints, recalls, and product
 24 liability claims?

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1 A. It depends on what you mean with being
 2 involved in customer complaints and recalls.
 3 Q. Well, you, for example, talk about
 4 development and maintenance of the EMEA procedures for
 5 customer complaints and recalls?
 6 A. That was my duty at that time up to
 7 December 2010.
 8 Q. All right. Now, during that entire period
 9 of time, from June 2007 to the present, you have been
 10 involved with Field Safety Notices and "Dear Surgeon"
 11 letters, haven't you?
 12 MR. CONWAY: Objection to the form of the
 13 question.
 14 You can answer.
 15 BY THE WITNESS:
 16 A. With respect to the period June 2007,
 17 December 2- -- 2010, there were, in fact, with respect
 18 to customer complaints and recall activities, there
 19 was a separation between reviewing, assisting in the
 20 drafting of recall notices, health hazard evaluations,
 21 and there was a second role, meaning actively input --
 22 involved in the process, meaning when a product went,
 23 for example, was a field action, the product was taken
 24 from the market and I was doing that as part of my

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1 role at that time.
 2 The actual process is -- the actual
 3 process of recalls, conducting a recall, processing
 4 customer complaints is not part of my current job
 5 title.
 6 BY MR. JAMES:
 7 Q. Fair enough.
 8 But broadly speaking, part of your job
 9 responsibilities from 2007 to 2010 and then from
 10 January of 2011 to the present involved dealing with
 11 Field Safety Notices and "Dear Surgeon" letters,
 12 correct?
 13 A. I was involved in the review process and
 14 that's a legal task.
 15 Q. Well, whatever you say that it is,
 16 according to your resume on your LinkedIn page, you
 17 were involved with Field Safety Notices and "Dear
 18 Surgeon" letters both from 2007 to 2010 and from 2011
 19 to the present, correct?
 20 A. As in -- in both periods, I had a role,
 21 legal role to review them.
 22 Q. Field Safety Notices and "Dear Surgeon"
 23 letters, correct?
 24 A. Correct.